

In re Appln. of Kovesdi et al.
Application No. 09/832,355

claimed species would present a "serious burden" on the Examiner in the absence of the restriction requirement. Indeed, the Office has failed to show separate classification, separate status in the art when classifiable together, or a different field of search with respect to the subject matter of the pending claims. Thus, the Office has failed to meet the criteria for a proper election of species requirement. Moreover, since all of the pending claims are directed to a fusion protein having a "first non-heparin-binding VEGF peptide portion" and a "second non-VEGF peptide portion" that can be various species such as HBNF, there would appear to be sufficient similarity as between the claimed fusion proteins to allow for the search and examination of all of the pending claims at the same time without a "serious burden" being placed on the Examiner.

In view of the above, Applicants submit that the election of species requirement is improper and should be withdrawn. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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Date: July 10, 2002

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date:

July 10, 2002

